

NOTICE OF INFORMAL FACT FINDING HEARING

In regard to **EQT. (Equitable Production Company)**
Proposed Permits for New Gas Operations
Application for CBM Gas Well VCI-531259

Located in the Ervington District of Dickenson County, Virginia

Docket Number IFFH 23609

In Accordance with §45.1-361.35.H. of the Code of Virginia, the Director of the Division of Gas and Oil has scheduled an Informal Fact Finding Hearing to consider **objections** received from **Rebecca J Thornbury esq. on behalf of Surface Owner Connie Owens**, to be affected by the above-named operation(s). The **objections by the Surface Owner** were received at the Division of Gas and Oil Office in a timely manner and in accordance with § 45.1-361.35. This notice of hearing is being sent to the permit applicant and to all parties with standing to object as prescribed by §45.1-361.30. All parties are entitled to be represented by counsel at the hearing, if desired. Those receiving notice of this proceeding and who did not object to the application are not required to attend.

The objections have been filed by the Surface Owner against the permit applications for **EQT Coalbed Methane Gas Operations VCI-531259**, in accordance with:

§ 45.1-361.35. (B) (4) Objections to permits; hearing.

4. The Location of the coalbed methane well or coalbed methane well pipeline will unreasonably infringe on the surface owner's use of the surface, provided, however, that a reasonable alternative site is available within the unit, granting the objection will not materially impair any right contained in an agreement, valid at the time of the objection, between the surface owner and the operator or their predecessors or successors in interest.

Further, the objecting party states the following:

In the event that Mr. and Mrs. Owens are determined to be royalty owners, they object pursuant to § 45.1-361.35. (C) (1), (2), and (3)

C. The only objections to permits or permit modifications which may be raised by royalty owners are whether the proposed well work:

1. Directly impinges upon the royalty owner's gas and oil interest; or
2. Threatens to violate the objecting royalty owner's property or statutory rights aside from his contractual rights; and
3. Would not adequately prevent the escape of the Commonwealth's gas and oil resources or provide for the accurate measurement of gas and oil production and delivery to the first point to sale.

All testimony in this conference must be relevant to objections allowed for and detailed in the Gas and Oil Act.

Date and location of Conference: The hearing is scheduled for **Friday, August 21, 2009** beginning at **10:30 AM**. The hearing will be held in a conference room at the Department of Mines Minerals and Energy, Buchanan-Smith Building, on the Mountain Empire Community College campus; 3405 Mountain Empire Road (Route 387) Big Stone Gap Virginia. . Contact the Division at (276) 415-9700 with any questions. Specific directions and other important information can be accessed from the Department of Mines, Minerals and Energy website: <http://www.dmme.virginia.gov/divisiongasoil.shtml>

IFFH 23609 is to be conducted according to provisions of the Administrative Processes Act of the Code of Virginia (§ 2.2-4019). In reaching a decision, the Director may rely upon any public data, documents or information.

This notice was prepared on August 8, 2009 and will be sent by certified mail, return receipt requested, to every person with standing to object as prescribed by § 45.1-361.30.

David E. Asbury Jr., Director
Virginia Division of Gas and Oil
Department of Mines, Minerals and Energy
135 Highland Drive; P.O. Box 159
Lebanon, VA 24266